

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D.C.

ORDER NO. 3174

IN THE MATTER OF:

Served May 27, 1988

Application of DYNAMIC CONCEPTS,)
INC., for Special Authorization to)
Conduct Charter Operations — NIAID)

Case No. CP-88-06

By application filed May 24, 1988, Dynamic Concepts, Inc. ("DCI"), seeks authorization to conduct charter operations pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1 under a contract with the United States Department of Health and Human Services, Public Health Service, National Institutes of Health, National Institute of Allergy and Infectious Diseases ("NIAID"), transporting employees of and persons traveling on official business with NIAID, together with mail, express, and baggage in the same vehicle as passengers, between the Twinbrook Building, 12441 Parklawn Drive, Rockville, Md.; the Control Data Building, 6003 Executive Boulevard, Rockville, Md.; the Westwood Building, 5333 Westwood Avenue, Bethesda, Md.; and points on the National Institute of Health's Campus, 9000 Rockville Pike, Bethesda, Md.

The contract is effective June 20, 1988, and extends for 12 months with four one-year options to renew. Under the contract DCI would provide the service at a specified monthly rate. The purpose of the contract is ". . . to provide a motor vehicle operator, passenger van/messenger service and mail sorting" Service is to be available between 8 a.m. and 5 p.m., Monday through Friday, except federal holidays. The contract requires concurrent passenger van and messenger service in one 15-passenger van. DCI will dedicate one 1988 15-passenger vehicle, as yet to be acquired, and one 1986 eight-passenger vehicle to the passenger transportation portion of the contract, apparently as a back-up vehicle. The eight-passenger vehicle appears to be leased inasmuch as it is not registered in applicant's name.

DCI is a District of Columbia corporation. Its president and chief operating officer certifies that DCI is fit to perform the proposed service, that its management is familiar with the terms of the Compact and the Commission's rules and regulations and will comply with them. DCI is not the subject of any proceeding, either completed or pending in which it has been found unfit or in which its fitness is under investigation by this Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, the Interstate Commerce Commission, or the United States Department of Transportation.

DCI's balance sheet dated December 31, 1987, shows current assets of \$943,846 and fixed assets, after allowance for depreciation of \$181,802. Current liabilities of \$956,974, long-term liabilities of \$27,240, and equity of \$141,434 are also shown. DCI's operating statement for the 12-month period ended December 31, 1987, shows a net loss of \$24,275 on income of \$4,290,508. No statement of projected revenues and revenue deductions from the proposed service was submitted with the application. A photocopied certificate of insurance indicates that DCI may have auto liability insurance in the amount of \$1,000,000. Applicant will be required to submit a certificate of insurance pursuant to Commission Regulation No. 62.

A contracting officer for the United States Department of Health and Human Services, Public Health Service submitted an affidavit stating that the contracting party is the National Institutes of Health, an agency of the Department of Health and Human Services and that the persons to be transported under the contract are government employees engaged in official business with NIAID. Approximately 8,580 persons will be transported during the first 12 months of the contract. The affidavit states that DCI's qualifications have been investigated and a determination has been made that DCI is responsible and has the ability to perform the contract successfully.

Inasmuch as there is a contract by the federal government for the transportation of employees of and persons traveling on official business with the federal government for a period in excess of 181 days, this application appears to be amenable to processing under Commission Regulation No. 70. See Order No. 2004, served June 20, 1979, and effective July 21, 1979. Pursuant to Commission Regulation No. 70-06, notice of this application must be published and opportunity given for the filing of protests. Protests, if any, must be written, sworn and notarized, and must contain all evidence and argument upon which the protestant would rely.

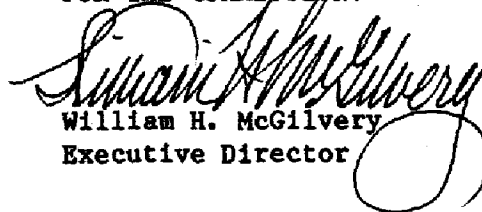
THEREFORE, IT IS ORDERED:

1. That Dynamic Concepts, Inc., shall publish once, in a newspaper of general circulation in the Metropolitan District, notice of the application in the form prescribed by the staff of the Commission no later than Monday, June 6, 1988.

2. That applicant shall file with the Commission, no later than Thursday, June 16, 1988, the following: (a) an affidavit of publication; (b) a statement of revenue and revenue deductions from the proposed operations; (c) evidence of ownership or possession of a 15-passenger vehicle to be used in the proposed operations; (d) leases pursuant to Commission Regulation No. 69 covering each vehicle to be used in WMATC operations; and (e) a certificate of insurance in conformance with Commission Regulation No. 62.

3. That any person desiring to protest this application shall file a notarized protest in conformance with Commission Regulation No. 70-06 at the office of the Commission, Suite 316, 1625 I Street, N.W., Washington, D.C. 20006, no later than Thursday, June 16, 1988, and shall simultaneously serve a copy of such protest on counsel for applicant, Edward Hayes, Jr., Esquire, 1050 Connecticut Avenue, N.W., Washington, D.C. 20036.

FOR THE COMMISSION:


William H. McGilvery
Executive Director

